

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DOA VIOLENCE IN THE WORKPLACE PREVENTION POLICY

I. POLICY

The **State of Rhode Island** complies with and supports the language and spirit of applicable laws they relate to employee security and safety. Therefore, the State has adopted a **statewide zero tolerance policy for workplace violence**.

1. This policy is committed to working with State employees to maintain a work environment free from threats of violence, harassment, and intimidation. This policy includes an absolute prohibition against employees carrying any firearms or personal weapons onto any State property, except as may be specifically authorized by law and as required in the employee's official responsibilities as a State employee.
2. Employees who have knowledge of violent acts or threats of violence in the workplace must report such acts or threats through the proper chain of command. Employees who make such reports have the right to have those complaints investigated.
3. Employees, who engage in violent or threatening acts against other employees or the public, shall be subject to appropriate sanctions, depending upon the circumstances, up to and including termination of employment, as well as possible criminal charges. The State will work with appropriate law enforcement agencies to aid in the investigation and prosecution of anyone who commits a violent act in the workplace.

II. DEFINITIONS

Assault – Any willful attempt to inflict injury upon another when coupled with the apparent ability to do so. Actual touching, or striking, or doing bodily harm to another is not required; the mere attempt constitutes an assault.

Battery – The intentional and wrongful physical contact with a person without that person's consent, or without legal authority to do so, that entails some injury or offensive touching. The willful attempt to use force to touch another is an assault; the actual touching is a battery.

Discrimination - In the employment sector, discrimination is taking an adverse action against an employee based on that employee's age, gender, sexual orientation, race, religion, national origin, or disability.

Harassment - Verbal statements or physical acts which, while neither an assault nor a battery, nevertheless are likely to create tension or hostility, and therefore may lead to conflict.

Threat of Violence - A threat of violence is any act of aggression or a statement which objectively could be perceived as intent to cause harm to an employee in State government. Threatening behavior includes any behavior that could be interpreted by a reasonable person as intent to cause physical harm to another individual. Threatening behavior may, or may not, include the actual act of physical force, with or without a weapon, toward another individual. Threatening behavior may be verbal or non-verbal.

Violent Acts – Any act that is an assault, a battery, or the destruction/damage of physical property.

Work Place Conflict - Conduct or communication that is not clearly discrimination based on age, gender, sexual orientation, race, religion, national origin, or disability but which contributes to a hostile work environment, constitutes workplace conflict that must be dealt with swiftly so as to avoid the matter becoming the source of violent acts.

III. IMPLEMENTATION:

In order to effectively implement the policy, all State employees must refrain from:

1. Committing any violent or physical act in the workplace against another state employee or members of the public.
2. Making verbal or non-verbal threats that are disruptive, provoking, harassing, or unsafe behavior. Further employees shall not harass or discriminate against each other nor shall employees harass or discriminate against members of the public with whom they come in contact.
3. Carrying or bringing of firearms or personal weapons of any kind onto state property/ buildings, unless the employee is appropriately licensed and is required to carry a firearm or weapon in the course of fulfilling his/her state employment responsibilities. This prohibition of firearms and personal weapons extends to State vehicles as well as privately owned vehicles on State property. Also, properly licensed and authorized State employees may carry weapons onto State premises if the carrying of such is permitted at that particular location for the purposes for which the employee is carrying the weapon; these purposes include hunting and weapons qualification.
4. Intentionally destroying property or possessions of co-workers or State property without authorization.
5. Taking disciplinary action against an employee who is complaining of, or reporting, a violent or threatening behavior.

IV. REPORTING PROCEDURES

Employees have the right and are required to report knowledge of violent acts or threatening behavior by state employees to their supervisor, even if that behavior occurred off duty or off premises. It shall be each supervisor's responsibility to swiftly and thoroughly review each report, and/or to report each complaint to the appropriate department or law enforcement authority.

Supervisors shall immediately report all substantiated violent acts or threatening behavior, complaints or reports of same, and the results of their review to their department director or designee. Additionally, the concerned department shall be responsible for reporting any potential criminal action to ensure the safety and welfare of its employees and the public.

If for any reason the employee fears that providing that information to their immediate supervisor may place them at risk of harm or retaliation, or the employee believes that the supervisor has not taken appropriate action, the employee may refer the matter to the next level of supervision.

V. ENFORCEMENT

Individuals who engage in assaults, physical violence, discrimination, harassment, intimidation, threatening behavior, or other disruptive behavior, may be removed from the workplace depending on the severity of the act and further may be subject to disciplinary action, up through and including discharge, and/or criminal penalties.

When the behavior of an individual is serious enough to create concern over imminent and serious physical danger to other persons or to property, the following procedures will apply:

- a. The individual will be ordered by the supervisor where the incident or behavior is occurring to leave the premises immediately and not to return until given authorization to do so. It must be made clear to the employee that this is an order, not a request. Also, if the individual employee states that he/she has personal property at his/her worksite that the employee wishes to retrieve prior to leaving, the employee will be informed that arrangements will be made subsequently to provide for the employee to retrieve such.
- b. If the employee is on duty when the order to leave the premises is given, and the employee asks whether he/she will be paid, the employee will be informed that he/she may elect to discharge vacation leave, personal leave or leave without pay. If the employee has insufficient accrued leave in the above categories, or refuses to elect to discharge such leave, the employee will be placed on Leave without Pay. However, the Personnel Administrator, at his/her discretion, may elect to grant Administrative Leave with Pay for any such involuntary removal from the premises.
- c. If the individual refuses to obey the order to leave, the supervisor will call the appropriate and most available security force. Depending on circumstances, this could be the Capitol Police, the State Police, the local police, or other properly authorized law enforcement agency. The employee will be placed on Leave without Pay.

VI. GUIDELINES FOR EMPLOYEES AND MANAGEMENT

These guidelines apply to all State of Rhode Island employees and are intended to aid managers in dealing with violent or potentially violent situations at work.

A. Immediate Action by Proper Authorities when Incidents Occur

Any employee observing violent or threatening behavior is expected to first secure his/her own safety. As appropriate, the Enforcement Policy discussed above will be implemented. In addition, the following applies:

1. Emergency Situations

- a. An employee aware of a violent act or threatening behavior must contact his/her immediate supervisor or the Capitol Police as soon as possible. If the employee's supervisor is the person that is the source of the violence or threatening behavior, the employee should notify a higher authority in the organizational chain of command.
- b. When an employee witnesses or is subject to a violent act or threatening behavior, the supervisor will direct/require the employee to provide a written report of the violent or threatening behavior. This report will include the location of the incident, the date and time, the persons present, what was said, what occurred, and any other relevant information. Employees should take no action that jeopardizes their safety and welfare. In emergency situations, employees must call the Capitol Police, the State Police, the local police, or other properly authorized law enforcement agency and report as many details as possible to the appropriate emergency response units.
- c. The supervisor will determine if the allegation is serious enough to warrant immediate action. In so doing, the manager, if feasible, will interview the person against whom the allegations have been made.

2. Non-Emergency Situations. In non-emergency situations, the employee should do the following:

- a. Review the situation with his/her supervisor or other appropriate Department officials. The Labor and Employment Practice Group within the Department of Administration is available to provide legal advice as to what action may be taken.
- b. When it appears that there is an inter-personal conflict between two employees, supervisors are encouraged to assist employees to resolve their differences.
- c. If the situation becomes an emergency, employees should follow the procedures outlined above for emergency situations.

B. Supervisor Responsibilities.

1. The supervisor will act promptly and document all actions taken.
2. The supervisor must treat the complaint as valid. However, the supervisor also must be neutral, and not presume that the complaint is true or false.
3. Limit the disclosure of the information to persons who have a right/duty to know. (i.e. Human Resource staff or supervisor)
4. When the appropriate authority has determined what action, if any to take, inform the complainant(s) of the disposition of the matter and what action, if any, was taken.

C. Appropriate follow up

If the investigating supervisor/administrator finds that the allegation(s) have merit and therefore is contemplating recommending disciplinary action, or concludes that disciplinary action is warranted, the appropriate departmental supervisor must do the following:

1. Contact the Departmental Human Resources/Labor Relations Unit for guidance.
2. Separately interview all persons involved, including any witness, in order to obtain an accurate written account of the incident.
3. Obtain written statements of all witnesses and others interviewed.
4. If unionized employee(s) being interviewed reasonably may be subject to disciplinary action as a result, and if the employee requests union representation, either cease interviewing the employee or obtain union representation. Review the current union contract to determine whether that particular labor contract requires that the supervisor advise those employees who may be subject to disciplinary action based on the incident that they have a right to be represented during the interview.
5. If the investigating supervisor/administrator concludes that the allegations were not only false but also were malicious, the investigating supervisor/administrator should make a recommendation as to what disciplinary action, if any, to take against the employee(s) who made the false allegations.
6. Whatever the results of the investigation, the Supervisor will make a full written report and forward this to the appropriate Departmental official.

VII. RELIEF FROM DUTY

If a situation involving an employee, although not an emergency, is serious enough that it warrants ordering the employee not to return to work, the procedure outlined above for removing an individual from the premises will be followed.

VIII. RESOURCES FOR ADVICE AND ASSISTANCE

E -911 (in an emergency regarding a criminal act) 911

Rhode Island State Police (401) 444-1000

Rhode Island Capitol Police (401) 222-3077/6905

State of Rhode Island, Office of Personnel Administration (401) 222-2160

State Employees Workers' Compensation, Health and Safety (401) 222-6570

Labor and Employment Practice Group (401) 222-2153

LifeWatch Employee Assistance Program (401) 722-0161 ext.209